

UNITED STATES DISTRICT COURT  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARVIN BERNSTEIN, Director,	:
Mental Hygiene Legal Service,	:
First Judicial Department, and	:
MICHAEL B., EUGENE C., and	:
EDDIE L., patients at Kirby Forensic	:
Psychiatric Facility, on behalf of themselves	:
and on behalf of all others	:
similarly situated,	:
Plaintiffs,	:
-v.-	:
	:
GEORGE E. PATAKI, in his official capacity as	:
Governor of the State of New York,	:
SHARON CARPINELLO, in her official capacity	:
as Commissioner of the	:
New York State Office of Mental Health,	:
and EILEEN CONSILVIO,	:
in her official capacity as Director of Kirby	:
Forensic Psychiatric Facility,	:
Defendants.	:
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05 Civ. 1322 (GEL)(THK)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the complaint dated February 3, 2005 and the accompanying memorandum of law, the undersigned will move this Court, on a date to be determined by this Court, at the Courthouse located at 500 Pearl Street, New York, New York, 10007, for an order certifying this litigation as a class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure, and for any other relief that this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 6.1(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, answering memoranda shall be served by May 5, 2005.

Dated: New York, New York  
April 21, 2005

MARVIN BERNSTEIN, Director  
Mental Hygiene Legal Service, First Dept.

S/

By: SADIE ZEA ISHEE (SI-9540)  
Staff Attorney  
60 Madison Avenue, 2<sup>nd</sup> Floor  
New York, New York 10010  
Phone: (212) 779-1734

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To: ELIOT SPITZER  
Attorney General of the State  
of New York  
(Edward J. Curtis, Jamila A. Berridge,  
of Counsel)  
120 Broadway, 24<sup>th</sup> Floor  
New York, New York 10271  
(212) 416-8641